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Exempt Action Final Regulation Agency Background Document

Approving authority name	State Water Control Board
Virginia Administrative Code (VAC) citation	9 VAC 25-720
Regulation title	Amendment of the Water Quality Management Planning Regulation
Action title	Amendment to adopt five new TMDL waste load allocations in the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50.A), and New River Basin (9 VAC 25-720-130.A).
Final agency action date	March 8-9, 2007
Document preparation date	February 2, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The amendments to the state's Water Quality Management Planning Regulation (9 VAC 25-720) include five new Total Maximum Daily Load (TMDL) wasteload allocations. The amendments are to the following river basins: Potomac-Shenandoah River Basin (9 VAC 25-720-50 A), and New River Basin (9 VAC 25-720-130 A).

The TMDLs were developed in accordance with Federal Regulations (40 CFR §130.7) and are exempt from the provisions of Article II of the Virginia Administrative Process Act. The TMDLs were subject to the TMDL public participation process and the waste load allocations are adopted as part of 9 VAC 25-720 in accordance with Virginia's "Public Participation Procedures for Water Quality Management Planning". Attached is a document that lists by name the three TMDL reports, TMDL modification, and individual TMDLs affected by this regulation.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

At its meeting on March 8th and 9th, 2007, the State Water Control Board adopted the amendments to the Water Quality Management Planning Regulation (9 VAC 25-720 et seq.) to include five new TMDL waste load allocations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability, including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The amendment of the Water Quality Management Planning regulation is for the protection of public health and safety, which has only an indirect impact on families.

List of TMDL reports and TMDL Waste Load Allocations affected by the proposed amendment of the Water Quality Management Planning regulation**In the Potomac - Shenandoah River Basin (9 VAC 25-720-50.A):**

"Benthic TMDL Development for South Run, Virginia" - South Run benthic TMDL, located in Fauquier County, proposes phosphorus reductions for portions of the watershed and provides a total phosphorus wasteload allocation of 0.038 tons/year.

"Total Maximum Daily Load Development for Lewis Creek, General Standard (Benthic)" – Lewis Creek benthic TMDL, located in Augusta County and the City of Staunton, proposes reductions of sediment, lead and polycyclic aromatic hydrocarbons (PAHs) for portions of the watershed. The WLAs are 40 tons/year for sediment, 0 kg/year for lead and 0 kg/year for PAHs.

In the New River Basin (9VAC 25-720-130.A):

"Total Maximum Daily Load Development for Chestnut Creek, Fecal Bacteria and General Standard (Benthic)" - Chestnut Creek benthic TMDL, located in Carroll and Grayson Counties and the City of Galax, proposes sediment reductions for portions of the watershed and provides a sediment wasteload allocation of 18.9 tons/year. To address a bacteria impairment, this TMDL report also proposes bacteria reductions for portions of the watershed. No regulatory amendments pertaining to these bacteria reductions are proposed.